

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
The Wireless Telecommunication Bureau)	WT Docket No. 19-39
Public Notice requesting comment on)	
Dynetics, Inc Request for Modification, Waiver)	
of Temporary Freeze on Non-Federal)	
Applications in the 3100 to 3550 MZ Band)	
)	

OBJECTION TO THE DYNETICS, INC. WAIVER REQUEST

The Wireless Innovation Forum (WInnForum) is a U.S.-based, international non-profit, multi-stakeholder organization driving technology innovation in commercial, civil, and defense communications around the world. WInnForum members bring a broad base of experience in Software Defined Radio (SDR), Cognitive Radio (CR), and Dynamic Spectrum Access (DSA) technologies in diverse markets and at all levels of the wireless value chain to address emerging wireless communications requirements through enhanced value, reduced total life cost of ownership, and accelerated deployment of standardized families of products, technologies, and services.

The WInnForum commends the Commission on establishing a freeze on non-federal applications for new or expanded Part 90 Radiolocation Service operations in the 3100 to 3550 MHz band¹. The purpose of this freeze, as stated by the Commission, is “to preserve the current landscape of authorized operations in the 3100-3550 MHz band in light of Congress’ mandate that the Secretary of Commerce, working through the National Telecommunications and

¹ <https://ecfsapi.fcc.gov/file/02222280227491/DA-19-105A1.pdf> (the “freeze Public Notice”)

Information Administration (NTIA), and the Commission consider alternate uses of the band.” WinnForum maintains that the acceptance of the Dynetics waiver² impedes this goal and could pre-emptively block all alternate uses of the band if various systems become widely deployed before NTIA and the Commission can complete their analysis. Grant of this waiver request would set a precedent which could negatively impact the future of this band.

The freeze Public Notice (PN) was issued by the Commission on February 22, 2019. Dynetics filed its waiver request on May 17, 2019, almost three months after the date of the PN. It seems inconsistent that Dynetics is now requesting expedited treatment of its waiver request. In addition to having concerns with the request for expedited treatment, the WinnForum questions the short timeframe allowed for comments on this request as it limits the ability of industry to respond appropriately.

Dynetics suggests in its request that because they have not “heard” of any indications of NTIA “actively considering” the 3100-3450 MHz band, this band segment must not be under active consideration for possible alternative uses and should no longer be subject to the freeze. However, Dynetics cites no sources or references other than they have heard nothing. WinnForum points out that absence of evidence does not constitute evidence of absence. In fact, WinnForum members understand that NTIA is indeed actively considering alternative uses of the band under mandate by Congress including the feasibility of sharing.³ The DoD itself acknowledges the requirement for feasibility studies of the entire 3100 to 3550 MHz band, due on March 23rd, 2020, as a result of the congressional mandate⁴. Dynetics’s statement is false and

² Dynetics, Inc. Request for Modification of Temporary Freeze on Non-Federal Applications in the 3100-3550 MHz Band, WT Docket No. 19-39 (filed May 17, 2019) (Dynetics Modification Request).

³ See the Consolidated Appropriations Act of 2018, Division P (RAY BAUM’s Act of 2018), Title VI, section 605(a), available at <https://www.congress.gov/115/bills/hr1625/BILLS-115hr1625enr.pdf>

⁴ <https://futurenetworks.ieee.org/images/files/pdf/FirstResponder/Fred-Moorefield-DOD.pdf>

could have been easily verified by a cursory search for relevant public documents. Indeed, the NTIA has conducted a quantitative assessment of several frequency bands in use by Federal entities and as early as 2016 where they identify the 3100-3550 MHz band as being particularly suitable for shared operation.⁵ The cited report was issued in “response to the 2013 Presidential Memorandum entitled Expanding America’s Leadership in Wireless Innovation. Through this memorandum, the President sought to make more spectrum available by allowing and encouraging shared access by commercial providers to spectrum that is currently allocated for federal use.”

Grant of a waiver of the freeze in this band, in contradiction of the congressional mandate, may preclude or hinder higher and better uses of the spectrum. The Dynetics technology is intended to be deployed widely, and therefore will establish a large installed base of devices. Should NTIA and the Commission ultimately decide that commercial wireless services can share this band segment, any deployed systems will present a significant obstacle and impediment to any contemplated sharing of this band, as envisioned by the current initiatives. The Commission should deny the Dynetics waiver request.

Respectfully submitted,

/s/ Bruce Oberlies

Bruce Oberlies
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⁵ https://www.ntia.doc.gov/files/ntia/publications/ntia_quant_assessment_report-no_appendices.pdf